



GSMA response to the Information Commissioner's call for evidence and views on the Age Appropriate Design Code

19 September 2018

The GSMA represents the interests of mobile operators worldwide, uniting nearly 800 operators with more than 250 companies in the broader mobile ecosystem, including handset and device makers, software companies, equipment providers and Internet companies, as well as organisations in adjacent industry sectors. The GSMA also produces industry-leading events such as Mobile World Congress, Mobile World Congress Shanghai and the Mobile 360 Series conferences.

For more information, please visit the GSMA corporate website at www.gsma.com



The GSMA would like to thank the Information Commissioner for the opportunity to provide evidence in response to the consultation on the Age Appropriate Design Code. We welcome the opportunity to work with other stakeholders to shape this code as it develops.

Mobile Industry Commitment to Protecting Children

The GSMA and its members are committed to enabling young people to access opportunities through mobile safely and responsibly, while actively combatting the misuse of mobile technology to exploit children. We recognise that the UN Convention on the Rights of the Child (UN CRC) sets out the specific rights that all children, everywhere, are entitled to in order to survive and thrive, to learn and grow, and to reach their full potential. Mobile technology is a great enabler of many children's rights. For growing numbers of young people, it is an increasingly important tool for communicating, seeking help or protection, accessing information and entertainment, as well as learning and being creative. These opportunities must be promoted, while also protecting children.

The GSMA and mobile industry work with stakeholders from the international community, governments, NGOs and law enforcement to protect and promote children's rights in today's digital world. In particular, through our GSMA mYouth Programme, we collaborate with stakeholders from across the mobile ecosystem, as well as NGOs and government organisations, to help young people make the most of their mobile experience.

The GSMA and its member operators have a long history of commitment to the safe and responsible use of mobile by children. For example, over ten years ago the GSMA developed a self-regulatory initiative- the European Framework for Safer Mobile Use by Younger Teenagers and Children- to ensure that children can safely access content on their phones.¹ More recently, we produced guidelines with Child Helpline International and a range of expert partners on internet safety for helpline counsellors/volunteers.² One set of these guidelines specifically addresses how to support children (and their parents) who have concerns relating to privacy.³

Additionally, the GSMA has taken steps with other relevant stakeholders to combat the misuse of mobile services to access, share, etc., child sexual abuse material. The GSMA's Mobile Alliance Against Child Sexual Abuse Content (Mobile Alliance) was founded in 2008 by an international group of mobile operators within the GSMA to obstruct the use of the mobile environment by individuals or organisations wishing to consume or profit from child sexual abuse content. One way we have addressed this issue is to assert the right to privacy of the child in the images and/or video. Our engagement in this area has led to our work with INHOPE⁴ on responding to reports of illegal online content and with UNICEF in the context

¹ European Framework for Safer Mobile Use by Younger Teenagers and Children, available at: https://www.gsma.com/iot/wp-content/uploads/2012/03/Safer_Mobile_Flyer.pdf

² Internet Safety Guides, available at: <https://www.gsma.com/publicpolicy/internet-safety-guides>

³ Internet Safety Guide on Privacy, available at: https://www.gsma.com/publicpolicy/wp-content/uploads/2017/03/Privacy_GSMA-CHI_V1.pdf

⁴ Hotlines: Responding to reports of illegal online content, available at: https://www.gsma.com/publicpolicy/wp-content/uploads/2012/03/GSMA_Inhopebrochure2016_Web.pdf



of notice and take down mechanisms⁵. Our collaboration with these organisations and others serves as an example of the GSMA Mobile Alliance 'leaning in' to the problem of misuse of mobile services and working to support the wider ecosystem.

Guidelines for Industry on Child Online Protection – GSMA, UNICEF, International Telecommunication Union

We recognise the unique privacy challenges facing our youngest users. To address these challenges, we collaborated with UNICEF and the International Telecommunication Union to develop the Guidelines for Industry on Child Online Protection (COP), which include specific privacy considerations, and a related checklist for Mobile Operators.⁶

COP Checklist for Mobile Operators:

Mobile operators can identify, prevent and mitigate the adverse impacts of information and communications technologies (ICTs) on children's rights, and identify opportunities to support the advancement of children's rights.

- Ensure that a specific individual and/or a team is designated with responsibility for this process and has access to the necessary internal and external stakeholders. Provide this person/team with the authority to take the lead in raising the profile of child online protection across the company.
- Develop a child protection / safeguarding policy and/or integrate specific children's rights risks and opportunities into companywide policy commitments (e.g., human rights, privacy, marketing and relevant codes of conduct).
- Integrate due diligence on child online protection issues into existing human rights or risk assessment frameworks (e.g., at the corporate level, product or technology level, and/or at the country level) to determine whether the business may be causing or contributing to adverse impacts through its own activities, or whether adverse impacts may be directly linked to its operations, products or services or business relationships.
- Identify child rights impacts on different age groups as a result of company operations and the design, development and introduction of products and services – as well as opportunities to support children's rights.
- Draw upon internal and external expertise and consult with key stakeholders, including children, on child online safety mechanisms to obtain ongoing feedback and guidance on company approaches.
- In States which lack adequate legal frameworks for the protection of children's rights to privacy and freedom of expression, companies should ensure policies and practices are in line with international standards. (UN General Assembly Resolution, "The right to privacy in the digital age", A/RES/68/167)

⁵ NOTICE AND TAKEDOWN Company policies and practices to remove online child sexual abuse material, available at: https://www.gsma.com/publicpolicy/wp-content/uploads/2012/03/notice_and_takedown_gsma_unicef_april_2016.pdf

⁶ Child Online Protection Guidelines, available at: https://www.gsma.com/publicpolicy/wp-content/uploads/2016/10/ITU_UNICEF_2014_Mobile_Operators_COP_Guidelines.pdf



- Ensure access to remedy by putting in place operational-level grievance and reporting mechanisms for any child rights violations (e.g., child sexual abuse material, inappropriate content or contact, breaches of privacy).

2018 UNICEF Industry Toolkit on Children's Online Privacy and Freedom of Expression

The GSMA also contributed to the UNICEF 2018 *Industry Toolkit on Children's Online Privacy and Freedom of Expression*. The Toolkit is divided into two distinct sections:

1. General Principles on Children's Online Privacy and Freedom of Expression. These five rights-based general principles set out the shared responsibility of governments, businesses, parents, educators and children to protect, respect and realize children's privacy and expression rights in a digital world.
2. Checklist for Companies. This checklist provides a list of questions for companies to assess their policies and practices with regard to obtaining, using and retaining children's personal data; ensuring children's access to information; and educating and informing children online. The checklist includes questions for telecommunications and internet service providers, including:

How does your company know when a user is a child? Context: Although communications service providers may not directly engage with children as customers, many users of these services are children. Respecting children's rights may require understanding which users are children to afford them specific protection.

What steps does your company take to protect the personal data of children who use your services? Context: When children's personal data are processed, whether children are customers or users, they should be informed of how their personal data are being used and for what purposes. Similarly, adult customers should be educated and empowered to protect the personal data of child users.

GSMA Mobile Privacy Principles

The GSMA Mobile Privacy Principles describe the way in which mobile consumers' privacy should be respected and protected when consumers use mobile applications and services that access, collect and use personal information. These principles reflect the mobile industry's commitment to privacy and trust. The GSMA Mobile Privacy Principles are similar to many other global privacy principles, with a notable exception- the special emphasis on children and adolescents.

GSMA Mobile Privacy Principle on Children and Adolescents: An application or service that is directed at children and adolescents should ensure that the collection, access and use of personal information is appropriate in all given circumstances and compatible with national law.



Aspects of Design: GSMA Approach to Privacy by Design

The GSMA advocates for the integration of privacy into the design process, and in collaboration with representatives from the mobile ecosystem, the GSMA has developed the Privacy Design Guidelines for Mobile Application Development.⁷ They seek to articulate the GSMA Mobile Privacy Principles in more functional terms and are intended to help drive a more consistent approach to user privacy across mobile platforms, applications and devices. The guidelines are focused on putting mobile users first, helping them to manage their information and their privacy on mobile phones in clear and simple ways. Implementing the guidelines should help mitigate risks that could impact users, including children. The guidelines also include considerations directly related to children's use of mobile apps, for example⁸:

Tailor applications to appropriate age ranges.	Set privacy protective default settings.	Comply with laws on the protection of children.	Age verify where possible and appropriate.
Applications that are intended for children and adolescents should be appropriate for the target age range and help such users to easily understand the consequences of installing or using an application or service.	Applications that are intended for children and adolescents must have a location default setting that prevents users from automatically publishing their precise location data.	Applications must at all times comply with the special legal requirements that applicable jurisdictions may impose to protect children.	Under certain circumstances, age verification may be appropriate (for example, where applications contain social networking features or allow access to adult content).

The GSMA and its members continue to work to support children's rights online. We are available to answer any specific questions from the Information Commissioner regarding our position on age appropriate design.

⁷ GSMA Privacy Design Guidelines for Mobile Application Development, available at: <https://www.gsma.com/publicpolicy/wp-content/uploads/2018/02/GSMA-Privacy-Design-Guidelines-for-Mobile-Application-Development.pdf>

⁸ Pages 18-19 of the GSMA Privacy Design Guidelines for Mobile Application Development also include advice for implementing these guidelines, use cases, and examples.